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CITY OF SANTA ROSA; EDWIN FLINT, in his capacity
as Chief of Police for the CITY OF SANTA ROSA;
RICH CELLI, an individual and Officer of the
SANTA ROSA POLICE DEPARTMENT; TRAVIS MENKE,
an individual and Officer of the SANTA ROSA POLICE DEPARTMENT;
and PATRICIA MANN, an individual and Officer of the
SANTA ROSA POLICE DEPARTMENT

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

PATRICIA DESANTIS, et al.,

Plaintiffs,

v.

CITY OF SANTA ROSA, et al.,

Defendants.

Case No. C 07-3386 JSW (consolidated with
C 07-4474)

**DECLARATION OF JOSEPH J.
CALLANAN, Jr. IN SUPPORT OF
OPPOSITION TO PLAINTIFF'S
MOTION FOR SUMMARY
ADJUDICATION AND IN SUPPORT
OF DEFENDANT'S CROSS MOTION
FOR SUMMARY JUDGMENT**

Date: October 17, 2008

Time: 9:00 a.m.

Ctrm: 2

Trial Date: January 20, 2009

I, JOSEPH J. CALLANAN, JR., HEREBY DECLARE AS FOLLOWS:

1. I have been retained by the City of Santa Rosa as an expert witness in this matter regarding police procedures and tactics and police training. Attached hereto as Exhibit A is a true and correct copy of my professional resume setting forth my law enforcement background and credentials. I have consulted, qualified and testified as an expert witnesses in numerous police litigations primarily involving the use of force. A list of those cases is attached hereto as

1 Exhibit B. I also provide training and assistance in reviewing law enforcement training materials
2 both for individual police agencies and also through the California Police Officers Standards and
3 Training Commission. I have also written and published numerous articles in the law
4 enforcement field as detailed in my resume.

5 2. The facts set forth herein are known to me of my own personal knowledge and if
6 called as a witness, I could and would competently testify as set forth herein.

7 3. In preparation for testifying in this matter, I have been provided with and reviewed the
8 following information:

9 A. Two Binder Case File reflecting the investigation by the Sonoma County Sheriff's
10 Department of the DeSantis shooting containing statements of the involved officers, witnesses,
11 Patricia DeSantis, the 911 transcript and CAD report of the incident.

12 B. Depositions of Patricia DeSantis; Rich Celli (2 volumes) ; Travis Menke; Patricia
13 Mann; Dan Jones; Jerry Ellsworth; and Joseph Silny.

14 C. Training records for Rich Celli, Travis Menke and Patricia Mann.

15 D. Training materials used by the City of Santa Rosa Police Department produced in
16 Response to Documents Requests by Plaintiffs.

17 E. Policy Statements of the City of Santa Rosa including Use of Force Policy

18 F. Assorted CD's containing crime scene and evidence photographs

19 G. Examination of a SRPD issued .37 mm SAGE tactical weapon system

20 4. I also traveled to the location of the incident and conducted a site survey the
21 concerning the 600 block of South Ave and particularly the residence located at 631 South Street
22 and the adjoining common driveway serving the three separate residences.

23 5. After reviewing all of this material and based on my knowledge and experience as a
24 law enforcement officer, trainer and consultant, it is my opinion that the escalation of force used
25 by the officers named as defendants in this case, specifically Sgt. Rich Celli, Officer Patricia
26 Mann and Travis Menke, as well as the other involved officers, was OBJECTIVELY
27 REASONABLE AND NECESSARY based upon the prevailing conditions and CONSISTENT
28 WITH RECOGNIZED POLICE PROCEDURES. I have concluded that the escalation of force

1 applied by the responding police officers was objectively reasonable and necessary to the
2 prevailing conditions for the reasons set forth below. The observed escalation of force included
3 LOW FORCE followed by INTERMEDIATE FORCE and ultimately culminating in the skillful
4 application of DEADLY FORCE. While the loss of life is a tragic and undesirable outcome, the
5 attending police officers were forced to act in a life-threatening dynamic that was *tense*,
6 *uncertain, and rapidly evolving*. Upon careful expert analysis, I have concluded that the
7 responding police officers had no viable alternative other than the described use of DEADLY
8 FORCE by Sgt Celli, Officer Mann and Officer Menke.

9 6. Based upon the information in the 911 call that Mr. DeSantis was shooting into the
10 ceiling and the fact that there were advised and heard additional shots being fired while
11 responding to the scene, it was reasonable and appropriate that the officers believed that Mr.
12 DeSantis was armed with a deadly weapon. Regardless of the agency or jurisdiction, such a call
13 describing an ACTIVE SHOOTER and the immediate potential for ASSAULT WITH A
14 DEADLY WEAPON or a HOSTAGE TAKING would be responded to as a HIGH PRIORITY
15 and in HIGH RISK tactical manner. Based upon the materials that I have reviewed, it is clear
16 that the officers properly and expeditiously responded to the plaintiff's 911 Emergency Call. It is
17 also clear that the Santa Rosa Police Department and the involved officers responded to the
18 emergency in a manner consistent with recognized police policy, training and procedures.

19 7. The essential RISK FACTORS apparent in the incident that the officers were required
20 to respond to are 1) a mentally unstable subject, 2) armed with a GUN, 3) actively firing the
21 GUN within an inhabited structure with children present, 4) all occurring in a populated
22 residential environment. The underlying reason or motivation for Mr. DeSantis's dangerous
23 conduct is less of a police priority than is STOPPING the obvious threat to the family members,
24 immediate neighbors, nearby community, and the responding public safety employees. Prior to
25 any police intervention, Mr. DeSantis created a serious, life threatening and HIGH RISK
26 situation.

27 8. Plaintiff Patricia DeSantis revealed that her husband, subject Richard Timothy
28 DeSantis, was diagnosed as a BIPOLAR person and that he had suspended his prescribed

1 regimen of psychotropic medications prior to the 04/09/07 shooting incident. Reportedly, subject
2 DeSantis was paranoid and delusional and this ~~lead~~ him to act out and repeatedly fire a GUN into
3 the ceiling of the family home in a mistaken belief that unseen persons were "hiding up in the
4 attic." Law enforcement training and practical experience clearly establishes that such mentally
5 imbalanced persons are inherently DANGEROUS and unpredictable. That subject DeSantis had
6 access to a GUN significantly increased the situational dangers and the fact that subject DeSantis
7 had already initiated GUNFIRE presented the responding police officers with an EXTREMELY
8 HIGH RISK tactical situation.

9 9. Mr. DeSantis selected the field conditions, not the responding police officers. There
10 is no dispute that Mr. DeSantis initiated his shooting spree inside his small residence at 631
11 South Avenue. That location was to the rear of another residence (629) and across from yet
12 another residence (633). A relatively wide, hard surfaced driveway and parking apron occupies
13 the open space separating the three structures. The property is rather deep on a north-south axis
14 and wide on an east-west axis. The initial shooting site (631) was to the extreme rear and east
15 quadrant of the property. The open hard surfaced area common to all three structures was void of
16 cover or concealment, meaning that SAFE ingress and egress was not available to the responding
17 police officers. The reported position of the MAN WITH A GUN indicated that Mr. DeSantis
18 had a clear field of fire over the common areas, approaches and even out onto the public
19 roadway. As presented to the responding police officers, the field conditions were
20 extraordinarily difficult, meaning that containment, evacuation, maneuver and communication
21 tasks were limited. Nonetheless, the responding police officers adjusted to the field conditions
22 and advanced to forward positions, bringing with them certain specialized lethal and less-lethal
23 weapons.

24 10. After arriving at the scene, the responding police officers established a distant visual
25 and verbal contact with Mr. DeSantis. By all accounts, Mr. DeSantis was contacted immediately
26 OUTSIDE of his residence (631) in the area of his front door, meaning that he had full and
27 immediate access to retreating back into the structure and possible do harm to his family or
28 barricade himself with hostages. This tactical point was of concern to the responding police

1 officers.

2 11. By all accounts, the responding police officers correctly established a preliminary
3 containment exercise and went about eliminating potential targets of opportunity
4 (victims/hostages) while attempted to engage, distract, calm and control subject Richard Timothy
5 DeSantis. Such police responses are well recognized as being generally effective and
6 representing sound RISK MANAGEMENT.

7 12. The responding police officers were eventually successful in their repeated efforts to
8 gain COMPLIANT BEHAVIOR and direct Mr. DeSantis to "prone out" on the ground. To this
9 critical point in the dynamic, the police officers were uncertain if Mr. DeSantis was or was not
10 ARMED. Various witnesses, including an independent eye witness, Joseph Silny, testified,
11 subject Richard Timothy DeSantis was slow and/or reluctant to comply with the VERBAL
12 COMMANDS issued by the on scene police officers. Repeated and persistent police VERBAL
13 COMMANDS continued until the subject complied and lowered himself to the ground. The
14 police accounts indicate that the subject remained non-communicative up to the point that he
15 appeared compliant. It is significant to note that the subject had yet to be searched for weapons
16 and the on scene officers were unable to determine if the subject was concealing a GUN on his
17 person. It is commonly known to police officers and they are trained that suspects may hide guns
18 in their waistbands or their pockets. Hence, the pre-positioned DEADLY FORCE and LESS
19 LETHAL FORCE options were maintained in place and at the ready. It is also significant to note
20 that the on scene officers had yet to secure the SAFETY of the subject's wife and family.

21 13. Time, distance and maneuver are critical elements in evaluating the police tactics
22 carried out by the responding officers. It is apparent that any approach to the front door of the
23 subject's residence (631) would have been imprudent, particularly in consideration of the street
24 lighting and lack of cover. Essentially, the ARMED subject commanded a "kill zone" that
25 extended out into the open common areas and beyond to the public street. That the responding
26 police officers sought to move the subject through the "kill zone" demonstrates proper field
27 tactics built upon proper training. As the subject moved southbound from the front door of the
28 family home and towards the established police positions he was effectively increasing the

1 distance from and SAFETY of the family members still inside the location. Conversely, his
2 southbound movement decreased the distance to and SAFETY of the police officers. Hence,
3 proper police procedures were obviously followed when the police officers instructed subject
4 Richard Timothy DeSantis to "prone out" on the ground. Such a tactic is the recommended
5 protocol offering the subject and the police officers the best opportunity to complete the arrest in
6 a controlled manner with the least amount of danger to any of the participants or onlookers.

7 14. The applied police procedures that eventually caused the subject to present himself in
8 an open field setting and place himself in a controlled tactical position on the ground were
9 exactly consistent with modern police practices that are known to be generally effective in
10 resolving such confrontations without further violence. Unfortunately, subject Richard Timothy
11 DeSantis presented as an unusual set of circumstances and escalated risks.

12 15. It is apparent that the responding police officers relied on LOW FORCE options such
13 as their police presence and verbal commands. It is apparent that the responding police officers
14 carried regular equipment and weapons including chemical agents, impact weapons, handcuffs,
15 duty firearms, etc. It is also apparent that the responding police officers prepared to deliver
16 INTERMEDIATE and DEADLY FORCE options should the need arise. The assembled police
17 officers carried and positioned specialized equipment and weapons including a trained canine, a
18 long-range rifle, a munitions-fired impact weapon (SAGE), an electronic immobilizer (TASER),
19 etc.

20 16. Given the totality of the circumstances, it was appropriate for SRPD Sergeant Celli to
21 draw and pre-position a tactical rifle. Given the totality of the circumstances, it was appropriate
22 for SRPD Sergeant Soares to draw and pre-position a munitions-fired impact weapon (SAGE).
23 Given the totality of the circumstances, it was appropriate for SRPD Sergeant Ellsworth to pre-
24 position a trained police service dog (K-9). Given the totality of the circumstances, it was
25 appropriate for SRPD Officer Menke, Officer Mann and other first responders to draw and
26 display their .40 caliber handguns.

27 17. The subject's sudden lunge at the police officers appears to have been swift and
28 sudden based on the statements of the involved and witnessing officers, the independent eye

1 witness and also based on the short distance made good. The sequence of FIRE appears to have
2 been rapid and possibly simultaneous based on the same factors and the forensic findings.
3 Sergeant Soares was the first to FIRE and that his intended application of the SAGE weapons
4 systems failed to stop the subject's forward assault. Prior to firing their weapons, Sgt. Celli,
5 Officer Menke and Officer Mann testified that they had observed that the round from the SAGE
6 had failed to stop Mr. DeSantis from advancing.

7 18. In response to the apparent and sudden threat of the subject's aggressive act, Sergeant
8 Soares fired ONE ROUND from the six-shot .37 mm SAGE weapon directly at the advancing
9 subject. In response to the apparent and sudden threat of the subject's aggressive act, Sergeant
10 Celli fired ONE ROUND from a thirty-round capacity small-bore patrol rifle directly at the
11 advancing subject. In response to the apparent and sudden threat of the subject's aggressive
12 act, Officer Menke fired ONE ROUND from a thirteen-round capacity .40-caliber handgun at the
13 advancing subject. In response to the apparent and sudden threat of the subject's aggressive act,
14 Officer Mann fired ONE ROUND from a thirteen-round capacity .40-caliber handgun at the
15 advancing subject.

16 19. FIRE DISCIPLINE is apparent in the case at hand. Only four of the on scene officers
17 FIRED at the charging subject, one of which actually FIRED a less-lethal (blunt force) impact
18 weapon. The three officers who actually deployed DEADLY FORCE maintained individual
19 FIRE DISCIPLINE as evidenced by a SINGLE SHOT application. It is apparent that as the
20 subject fell, the involved officers recognized that the threat had abated and that no additional
21 FIRE was necessary or appropriate.

22 20. Trained PERCEPTION and REACTION times are apparent in the case at hand.
23 Essentially, professional law enforcement officers are trained to focus their attention on known
24 indicators of threat and measure the seriousness of the perceived threat against the need to deploy
25 DEADLY FORCE. This process involves an intellectual "threat assessment" followed by a
26 trained physical REACTION, such as the four separate decisions to SHOOT observed in the case
27 at hand. Human factors dictate that this process consumes a measurable amount of time, often
28 expressed in fractions of a second. The PERCEPTION and REACTION times are equally

1 apparent in the subsequent decisions by each of the involved officers to STOP shooting once the
2 threat had abated. Again, such a serious intellectual process consumes some measurable amount
3 of time.

4 None of the other police officers on scene discharged firearms, again demonstrating FIRE
5 DISCIPLINE. The subject was struck by the gunfire and fell to the ground just short of reaching
6 the involved officers. Subject Richard Timothy DeSantis succumbed to the gunshot wounds
7 (GSW) and was pronounced dead at the scene.

8 21. Careful review of the shooting dynamic clearly establishes that the involved police
9 officers were forced to defend themselves and others in the face of an AGGRESSING VIOLENT
10 OFFENDER WHO WAS REASONABLY BELIEVED TO BE ARMED. The fact that the
11 subject was not armed was a fact not known to the officers at the time of the shooting incident.
12 The initial 911 Emergency Call describing an ACTIVE SHOOTER coupled with the sounds of
13 continued GUNFIRE prior to the police arrival and compounded by the responding officers'
14 inability to either search or render safe the indicated SHOOTER are certainly factors that would
15 cause any reasonable, well-trained and experienced law enforcement officer to consider subject
16 Richard Timothy DeSantis an ARMED and DANGEROUS person. Any other conclusion would
17 represent substandard and imprudent police reasoning.

18 22. The intent or motivation of subject Richard Timothy DeSantis when he launched his
19 final assault remains unknown. However, what is known is that he was paranoid and delusional
20 and off his medications. He expressed an unfounded belief that persons in the attic of his home
21 were threatening harm. He reacted to that ideation by repeatedly FIRING A GUN. Within the
22 practical knowledge and experience of law enforcement professionals, it is reasonable to consider
23 that such a subject might confuse the first responders (police, fire, medical, etc.) as being the
24 same as the imaginary attic persons and consequently direct his violence against the first
25 responders. It is reasonable to consider that the subject's conduct was already at a GUN
26 VIOLENCE level and there was no indication that he had de-escalated. Lastly, it is well within
27 the international law enforcement experience that such mentally disturbed persons may present as
28 a classic "suicide by cop" scenario in which their deliberate and intentional behavior is calculated

1 to bring about and force a fatal confrontation with police authorities.

2 23. The professional training of Peace Officers includes responding to and handling
3 persons who are "emotionally disturbed" and/or "mentally imbalanced." The CA Commission
4 on Peace Officer Standards and Training (POST) published a field guide for first responders
5 concerning such persons and situations. The practical response strategies presented in this
6 publication, and other recognized educational sources, rely heavily on a cognitive, compliant,
7 isolated and non-threatening subject. Even so, such persons are typically unpredictable and often
8 demonstrate wide mood and behavior swings ranging from passive to extremely violent behavior.
9 Unfortunately, subject DeSantis did not present in such a controlled scenario. Most important,
10 subject DeSantis was armed with a GUN and was an ACTIVE SHOOTER at the time of the 911
11 Emergency Call and prior to any police intervention.

12 ref: *"Law enforcement must be prepared to respond to the potential violence.*
13 *The ability of an officer to engage in any on-scene activities will often be dictated*
14 *by the behavior of the subject, the circumstances and the environment. Officer*
15 *safety is of the utmost importance in dealing with an unpredictable population*
16 *who are sometimes volatile or violent, and whose behaviors defy common*
17 *experiences and common sense."* (Chapter Six "Responding to Violent Subjects")

18 24. Absolutely nothing reported in the case at hand indicates that any further "crisis
19 intervention" technique was either possible or promising. There is no indication that a lesser
20 FORCE option was either reasonable or practical. In fact, some of the pre-staged FORCE
21 options apparent in the case at hand were exactly unreasonable, impractical and would probably
22 proven ineffective if attempted during the confrontation. Consider the use of physical force,
23 impact weapons (batons), and chemical agents (O/C). Each of these more commonly used
24 FORCE options is known to be surprisingly ineffective when used against a highly intoxicated
25 combatant and/or a violently enraged mental case. The practical application of any of these three
26 FORCE options requires CLOSE and DIRECT contact with an UNARMED subject, factors not
27 applicable in the case at hand.

28 25. For a third example, Sergeant Ellsworth had pre-staged a trained police service dog

1 (K-9). This INTERMEDIATE FORCE option was correctly held in reserve. Typically, police
2 service dogs are not deployed senselessly against an ARMED subject. Such a cruel deployment
3 predicts that the animal would be destroyed by gunfire that, in turn, would precipitate a police
4 shooting response. In the case at hand, the use of the police service dog prior to the subject's
5 ultimate forward charge would have been unreasonable and impractical. Obviously, Sergeant
6 Ellsworth came to that conclusion as the situation progressed. The true potential use of the
7 police service dog would have occurred if subject DeSantis had chosen to FLEE rather than
8 CHARGE. Any potential use of the police service dog in the case at hand was seriously
9 restricted by the knowledge that the subject's wife and children were essentially unsecured in the
10 immediate operational area. On balance, Sergeant Ellsworth's decision to maintain the canine
11 "on-leash" and "ready" was exactly appropriate to the prevailing conditions.

12 26. It is clear in the case readings that subject Richard Timothy DeSantis was paranoid,
13 delusional, non-communicative, and generally non-compliant with VERBAL COMMANDS.
14 Accepting these facts, there is little expectation that some form of intellectual banter or crafted
15 dialog might have produced a non-violent outcome. Typically, trained police negotiations rely
16 on a static situation and a communicative, ultimately compliant subject. Such police techniques
17 typically consume time and are dependent on the absence of hostilities or assaultive behavior.
18 Again, these recognized factors are not applicable to the case at hand. More importantly, the
19 subject's manifest GUN violence and his ultimate forward charge at the police officers
20 compelled a DEFENSIVE response, not a passive "wait and see what happens" posture.

21 27. Careful review of the case at hand reveals that the City of Santa Rosa Police
22 Department and the responding police officers were educated, trained, prepared and fully capable
23 in responding to the plaintiff's 911 Emergency Call in a proper and disciplined manner.
24 Factually, the Department and the officers correctly assessed the reported situation and
25 effectively deployed regular and specialized police resources in a manner calculated to SAFELY
26 address the EXTREMELY HIGH RISK tactical situation

27 28. FIRE DISCIPLINE is apparent in the case at hand. Only four of the on scene officers
28 FIRED at the charging subject, one of which actually FIRED a less-lethal (blunt force) impact

1 weapon. The three officers who actually deployed DEADLY FORCE maintained individual
2 FIRE DISCIPLINE as evidenced by a SINGLE SHOT application. It is apparent that as the
3 subject fell, the involved officers recognized that the threat had abated and that no additional
4 FIRE was necessary or appropriate. Trained PERCEPTION and REACTION times are apparent
5 in the case at hand. Essentially, professional law enforcement officers are trained to focus their
6 attention on known indicators of threat and measure the seriousness of the perceived threat
7 against the need to deploy DEADLY FORCE. This process involves an intellectual "threat
8 assessment" followed by a trained physical REACTION, such as the four separate decisions to
9 SHOOT in the case at hand. Human factors dictate that this process consumes a measurable
10 amount of time, often expressed in fractions of a second. The PERCEPTION and REACTION
11 times are equally apparent in the subsequent decisions by each of the involved officers to STOP
12 shooting once the threat had abated. Again, such a serious intellectual process consumes some
13 measurable amount of time.

14 29. None of the other police officers on scene discharged firearms, again demonstrating
15 FIRE DISCIPLINE. The subject was struck by the gunfire and fell to the ground just short of
16 reaching the involved officers.

17 30. At the time that Mr. DeSantis sprung up and charged the officers who were holding
18 weapons pointed at him in violation of the commands that he had been given, it was reasonable
19 for the officers to believe that their lives, the lives of other officers, the lives of Mrs. DeSantis
20 and her children and the public at large were in danger. The fact that the subject was not armed
21 was a fact not known to the officers at the time of the subject's final forward charge. A very
22 important observation is that subject Richard Timothy DeSantis moved towards the police
23 officers as opposed to moving away. (ref: "fight-flight" response) In doing so, he presented the
24 real potential for obtaining and controlling one of the available police firearms and then continue
25 with his previously demonstrated propensity for GUN VIOLENCE. Long-term studies reveal
26 that 1 out of every 11 law enforcement officers killed in the line of duty was murdered by a
27 suspect successfully gaining control and use of the officer's service

28 31. Also available in the pre-staged police resources were one or more TASER devices.

1 These are modern electronic muscle immobilizers that have been proven to be highly effective
2 when dealing with actively resisting subjects. The use of such devices is limited to short range
3 applications, typically less than 15 feet between the subject and the officer. The success of the
4 TASER relies on several delicate issues; mainly the ability to FIRE two tethered barbs ON
5 TARGET and then initiate an electrical pulse lasting five seconds. In the case at hand, time and
6 distance constraints did not permit such an experiment. More importantly, subject Richard
7 Timothy DeSantis was reasonably considered to be ARMED and DANGEROUS, a consideration
8 that eliminates any rational use of a TASER device.

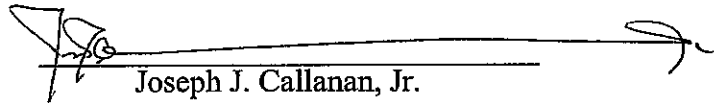
9 32. The officers also would not have been able to use O/C spray or a baton until Mr.
10 DeSantis was closer to them and again this would not have been recommended to deal with a
11 possibly armed subject.

12 33. In preparation of this DECLARATION, I carefully reviewed the policies and
13 training of the Santa Rosa Police Department and the involved police officers. The policy
14 statements concerning the use of force and the use of DEADLY FORCE are thorough, modern
15 and consistent with a properly managed public safety agency. The training programs provided to
16 the involved officers, both mandated and supplemental, are completely consistent with State and
17 national standards. More importantly, the disciplined and well-reasoned performance of the
18 Department and the involved police officers during the encounter with subject Richard Timothy
19 DeSantis on 04/09/07 serves as evidence of a well-manage agency and the careful selection,
20 training and supervision of qualified law enforcement personnel. The City of Santa Rosa' use of
21 force policy and training are consistent with the standards used in the law enforcement
22 community and in conformance with the training requirements mandated by POST which set the
23 standards for police officers within the State of California. POST does not mandate any specific
24 training for dealing with mentally or emotionally disturbed individuals. POST does have
25 recommended training on these subjects which the City of Santa Rosa has provided to its
26 officers. The City also provided additionally training beyond those recommendations such as the
27 "Suicide by Cop" Training and Crisis Intervention Training. Based upon my review, the training
28 provided by the City of Santa Rosa exceeds the required mandates imposed by POST in

1 numerous areas including use of force and dealing with mentally ill or emotionally disturbed
2 persons.

3 34. My review of this incident does not indicate that any of the actions taken by the
4 officers was due to any lack of training or inappropriate policy of the City of Santa Rosa. In fact,
5 as stated above, it is my opinion that the officers involved acted in an objectively reasonable
6 manner. Their actions were consistent with standard law enforcement procedures and the City's
7 Use of Force Policy.

8 I declare under penalty of perjury that the foregoing is true and correct, executed this 28th
9 day of August, 2008.

10
11 
12 Joseph J. Callanan, Jr.